

FISCAL NOTE

Bill #: HB0335

Title: Require Native American member of all state boards

Primary Sponsor: Small-Eastman, V

Status: As Introduced

Sponsor signature

Date

David Ewer, Budget Director

Date

Fiscal Summary

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
Expenditures:		
General Fund	\$0	\$0
Revenue:		
General Fund	\$0	\$0
Net Impact on General Fund Balance:	\$0	\$0

- | | |
|---|--|
| <input type="checkbox"/> Significant Local Gov. Impact | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts |
| <input type="checkbox"/> Dedicated Revenue Form Attached | <input type="checkbox"/> Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

1. There would be no fiscal impact to the state.

TECHNICAL NOTES:

Department of Labor and Industry

1. HB 335 does not provide any specific criteria for determining who is considered a "Native American."
2. Section 1, amending 2-15-108, MCA, uses the ambiguous wording that "at least one Native American voting member" be appointed to a board, commission, committee, or council. The wording raises the question whether the Native American appointee must be a voting member of the appointed body, or whether the Native American appointee is an enrolled tribal member eligible to vote in tribal elections.
3. The language added to 2-15-108 (1), MCA, does not identify the effect of a violation of (1)(b). The existing language in (1)(a) states there must be gender equity and proportionate representation of minorities "to the greatest extent possible." No similar qualifying language is included in HB 335 (1)(b).

Department of Public Health and Human Services

4. Many boards, councils, and committees have statutorily or federally required membership criteria. This criteria may be in conflict with the intent of this bill if Native American members cannot be appointed due to these required criteria.